

ENTERED

August 05, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PETE RUSSELL,

Petitioner,

VS.

BOBBY LUMPKIN,

Respondent.

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CIVIL ACTION NO. 4:13-CV-3636

ORDER

This Court appointed Mr. Winston Cochran to represent Texas death row inmate Pete Russell in 2014. In 2019, this Court denied the federal petition for a writ of habeas corpus filed by Russell. (Docket Entry No. 58). On September 4, 2020, the Court of Appeals for the Fifth Circuit entered an order denying Russell's request for a Certificate of Appealability. *See Russell v. Lumpkin*, 827 F. App'x 378 (5th Cir. 2020). The Supreme Court has recently denied Russell's petition for a writ of certiorari.

Russell has repeatedly filed papers expressing concerns about his legal representation. (Docket Entry Nos. 48, 64, 67, 69, 71). Russell now has filed a *pro se* motion for the substitution of counsel. Russell moves this Court to remove Mr. Cochran and appoint the Capital Habeas Unit of the Community Defender for the Eastern District of Pennsylvania ("CHU") to represent him. (Docket Entry No. 71).

Until this point, Mr. Cochran's experience with this case militated against the substitution of counsel. The habeas process, however, has now run its course. With the changed circumstances in this case, the Court **GRANTS** Russell's motion. Mr. Cochran is

removed as counsel of record and the CHU will represent Russell “throughout every subsequent stage of available judicial proceedings.” 18 U.S.C. § 3599(e).

It is so ORDERED.

SIGNED on this 5th day of August, 2021.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge